to one-half of the losses on fidelity bonds. The Supreme Court of the United States, one of the strictest when it comes to enforcing warranties in insurance law, permitted a plaintiff to recover on a policy because he had qualified his application by the words "the above is as near correct as I remember".[7] It is recommended that all applicants for insurance qualify their answers in the same way. The language may be open to the criticism of grammarians, but the Supreme Court of the United States has approved its legal effect. Unless the applications can be thus qualified the state must step in and standardize all forms of insurance policies to prevent their avoidance by the application of the technical doctrines of warranties to matters of which the assured can have but slight knowledge.

A. H. C.

JUVENILE COURT LAW: DETENTION OF MINOR FOR INVESTIGATION.—Under the Juvenile Court Law of the State of Washington,[1] like that of California,[2] a minor suspected of delinquency cannot be detained unless a complaint is made and a summons issued. In the case of *Weber v. Doust et al.*,[3] the defendants, who were police officers of the city of Spokane, were held liable on a charge of false imprisonment, and judgment was entered against them in the sum of $1250 for having kept the plaintiff in a juvenile detention home without a warrant or her consent, for forty-eight hours while investigating her home conditions, which they had reason to believe were morally bad.

In point of law the case is undoubtedly sound.[4] But, as no great pecuniary loss was shown, the amount of damages must be conceded to be excessive and not justifiable unless on the ground that the plaintiff was being held for the real purpose of securing evidence bearing upon a murder which the police were investigating.

The case suggests the possible expediency of drafting our Juvenile Court Laws so as to allow public officers to detain suspected delinquents, for a limited period, for purposes of investigation without a warrant. Constitutionally it seems that this would be possible, for the proceedings are equitable and not criminal in nature.[5] While this power might be subject to abuse, the

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[7] Aetna Life Ins. Co. v. France (1876), 94 U. S. 561, 24 L. Ed. 287.

[1] Rem. & Bal. Code, § 1991.

[2] 1913 Stats. Cal. 1288.

[3] (Wash., Sept. 22, 1914), 143 Pac. 148.

[4] Wash. Const., art i, § 3; Rem. & Bal. Code, § 1991.

[5] Ex parte Powell (1912), 6 Okl. Cr. 495, 120 Pac. 1022; In re Watson (1911), 157 N. C. 340, 72 S. E. 1049; Ex parte Ah Peen (1876), 51 Cal. 280; Reynolds v. Howe (1884), 51 Conn. 472; In re Sharp (1908), 15 Idaho, 120, 96 Pac. 563, 18 L. R. A. (N. S.) 886; State v. Marmouget (1903), 111 La. 225, 35 So. 529; Mill v. Brown (1907), 31 Utah 473, 88 Pac. 609, 120 Am. St. Rep. 935; Lindsay v. Lindsay (1913), 257 Ill. 328, 100 N. E. 892, 45 L. R. A. (N. S.) 908, Ann. Cas. 1914 A, 1222; In re Mason (1892), 3 Wash. 609, 28 Pac. 1025.

extension might be desirable as affording a means for securing to the child the ultimate good for which such laws are designed[6] without any of the attendant harm or disgrace involved in formal proceedings. Yet the well founded jealousy which guards the sacred precincts of the family against encroachments by the state, renders such an extension highly improbable.

J. B. O.

LAST CLEAR CHANCE: CONTINUING NEGLIGENCE.—Liability for a negligent act exists when and only when, it is the proximate cause of the injury. *Causa proxima, non remota spectatur.* On this principle hangs the whole law of negligence. If negligence of the person injured contributes directly to the effect, this intervenes and breaks the causal connection and the doctrine of contributory negligence, first announced in Butterfield v. Forrester,[1] prevents a recovery. The law will not measure out responsibility in halves, but holds the person liable who is the main cause of the injury. For a time, this doctrine of contributory negligence effected a just settlement in all cases in which the plaintiff was negligent, but before long an entirely new situation was presented in the famous case of Davies v. Mann,[2] where the historic donkey with his fore-feet fettered, turned loose in the road by its thoughtless and negligent master, was run over by an equally negligent driver. The master was allowed to recover on the basis of a new doctrine formulated by the court, which has since been denominated the "last clear chance". This doctrine implies that the negligence of the injured party has ceased.[3] Negligence has not ceased, in the sense that prudent conduct has taken its place, but it has ceased as the active proximate cause, and has become remote, since in the progress of events a subsequent negligence of the defendant interrupts the sequence and becomes the direct cause of the injury. This intervening negligence of the defendant is the failure, after a discovery of the plaintiff's peril, to use reasonable means to prevent an injury. If the initial negligence of the plaintiff could be invoked to defeat a recovery, notwithstanding the subsequent negligence of the defendant, which has become the proximate cause, the fundamental principle of the law of negligent liability, viz. proximate cause, would be denied effect.[4] The doctrine, then, is

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[6] Rem. & Bal. Code, § 2001; 1913 Stats. Cal. 1303; Mill v. Brown (1907), 31 Utah 473, 88 Pac. 609, 120 Am. St. Rep. 935; Wisconsin Industrial School v. Clark Co. (1899), 103 Wis. 651, 79 N. W. 422; Ex parte Nichols (1896), 110 Cal. 651, 43 Pac. 9; McLean Co. v. Humphreys (1882), 104 Ill. 378; Prescott v. State (1869), 19 Ohio St. 184, 2 Am. Rep. 388.

[1] (1809), 11 East 60, 103 Eng. Repr. 926.

[2] (1842), 10 M. & W. 545.

[3] Nehring v. Connecticut Co. (1912), 86 Conn. 109, 84 Atl. 301.

[4] Louisville & N. R. Co. v. Young (1907), 153 Ala. 232, 45 So. 238; Gilbert v. Erie Ry. Co. (1899), 97 Fed. 747; Rider v. Syracuse Rapid Transit Co. (1902), 171 N. Y. 139, 63 N. E. 836, 58 L. R. A. 125; Ruppel v. United R. R. of S. F. (1909), 10 Cal. App. 319, 101 Pac. 803.